

Worksession

Agenda Item #	9
Meeting Date	March 26, 2007
Prepared By	Barbara B. Matthews City Manager
Approved By	

Discussion Item	Discussion of Issues Pertaining to Parking of Commercial Vehicles in Residential Areas
Background	<p>Councilmembers and other City residents have expressed concern about problems resulting from parking of commercial vehicles in residential areas.</p> <p>A discussion has been scheduled to provide the City Council an opportunity to describe the issues involved and provide direction to staff regarding desired changes to the City Code.</p> <p>The <i>Takoma Park Code</i>, Section 13.20.080 states: “No person shall cause, allow, permit or suffer any commercial vehicle registered in the name of or owned or operated by him or her to be parked or left standing on any public highway in front of, alongside of or in the rear of any residentially zoned property, except when actually loading or unloading merchandise.”</p> <p>Section 13.04.020, currently defines “Commercial vehicle” as “any vehicle designed for and regularly used for carrying freight or merchandise.”</p> <p>Comments from Capt. Ed Coursey of the Police Department Regarding Parking of Commercial Vehicles on <u>Public Streets and Rights of Way</u></p> <p>It is difficult to try to interpret this language because it does not address the size of the vehicle, but only its intended use. For example:</p> <ul style="list-style-type: none"> • U-haul type box truck, any size, would be prohibited under this definition • Tow trucks, including flat bed trucks are not prohibited • Service trucks (Sears Maytag) are not prohibited • Buses, passenger vans, and airport limos are not prohibited • Unattached tractor portion of 18 wheeler rigs are not prohibited • Newspaper delivery step vans are prohibited • Lunchwagon-style trucks or vans are prohibited • Ice cream trucks or vans are prohibited <p>From an enforcement standpoint, interpreting the intended design of a vehicle, or determining its actual use is difficult in comparison to determining a factor such as weight (which is recorded in the registration entry).</p> <p>Lastly, Police Department staff members feel it would be useful to delineate areas that are residentially zoned to assist Police in enforcement.</p> <p>The Montgomery County Code relating to Traffic and Parking has a section that is similar to our Code, and has language that is more easily interpreted:</p> <p><i>Sec. 31-14. Parking of commercial vehicles or buses abutting residences, schools, etc.</i></p>

	<p><i>It shall be unlawful to park any commercial vehicle or bus on that side of any public road abutting any private residence, apartment house, church, school, hospital or playground except when such vehicle is actually engaged in loading or unloading passengers, merchandise or materials or when used by the owner or operator actively engaged in work on the premises of the residence, apartment house, church, school, hospital or playground. At authorized terminal stands of bus routes operating under a permit from the state public service commission, stops may be made for a sufficient period of time, not to exceed thirty (30) minutes, for the purpose of maintaining schedules. This section shall not apply to a vehicle involuntarily parked because of mechanical failure or other emergency, provided such vehicle is removed within a reasonable period of time. (1978 L.M.C., ch. 7, § 2.)</i></p> <p><i>Editor's note—See County Attorney Opinion dated 10/6/00 indicating that long-term parking on public streets is prohibited in certain circumstances, but not based on the size of the vehicle.</i></p> <p><i>The County Code defines “commercial vehicle” as: Any motor vehicle and any trailer or semitrailer designed and used for carrying freight or merchandise and every motor vehicle used in any way in the furtherance of any commercial enterprise. Such term does not include a motor vehicle owned by the county or other governmental agency and used primarily for carrying passengers or materials or other vehicle of a capacity of one (1) ton or less.</i></p> <p>Comments From HCD Director Sara Anne Daines Regarding Parking on <u>Private Property</u> in Residential Districts</p> <p>The parking of commercial vehicles is also addressed in the Montgomery County Zoning Ordinance. The determining factor when reviewing the legality of parking of a commercial vehicle in a residential area under this ordinance is the length of the vehicle and the underlying zoning designation. For example, commercial vehicles are permitted on private property in residential districts if they are 19 feet or less in length. Complaints regarding the parking of commercial vehicles on private property in residential zones are investigated by the Code Enforcement Division. If the vehicle is inoperable or unlicensed or parked on an unsurfaced area, a notice of violation is issued to the property owner - not the owner of the vehicle. If the vehicle appears to exceed the length restrictions established under the Zoning Ordinance, the complaint is referred to the Montgomery County Department of Permitting Services for investigation.</p>
Policy	Preserve the residential character of Takoma Park neighborhoods.
Fiscal Impact	N/A
Attachments	None
Recommendation	Provide direction to staff.